

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Texas

Filed 11/13/09
 Clerk, U. S. District Court
 Western District of Texas
 By [Signature]
 Deputy

United States of America)

v.)

RICHARD M. BENAVIDES)

Case No. SA09-1033M)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/12/2009 in the county of BEXAR in the
WESTERN District of TEXAS, the defendant(s) violated:

Code Section

21 USC 841(a)(1) & (b)(1)(B)(ii)

Offense Description

POSSESSION WITH INTENT TO DISTRIBUTE A CONTROLLED
 SUBSTANCE (+500 GRAMS OF A MIXTURE OR SUBSTANCE
 CONTAINING A DETECTABLE AMOUNT OF COCAINE)

This criminal complaint is based on these facts:

SEE ATTACHED

☒ Continued on the attached sheet.

[Signature]
 Complainant's signature

BRIAN WHITE, DETECTIVE, SAPD

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/13/2009

[Signature]
 Judge's signature

City and state: SAN ANTONIO, TX

NANCY STEIN NOWAK, US MAGISTRATE JUDGE

Printed name and title

CRIMINAL COMPLAINT
US V RICHARD BENAVIDES

On Nov 12, 2009, SAPD officers observed a maroon Chevrolet Corvette at a Wendy's fast food restaurant in the 500 block of Cevallos Street, San Antonio, Tx. The driver (BENAVIDES - "AP") was observed sitting in his vehicle for approximately 5 minutes. Uniformed patrol officers contacted the AP and asked the AP to get out of the vehicle. After getting verbal consent from AP, patrol officers searched AP's vehicle.


Upon my arrival, I again advised the AP of his constitutional rights, which he stated he understood. I asked uniformed patrol to contact a drug K9 to assist with the stop. AP told me that I could check whatever I wanted. The drug dog with handler arrived and was asked to search the vehicle. The K9 alerted on the driver's door of the vehicle. Upon further investigation, a small hidden pocket was found where E1 was recovered (PLASTIC BAG WRAPPED IN FOIL CONTAINING 19 GRAMS OF COCAINE). AP was then handcuffed and placed into the patrol vehicle. AP signed SAPD form 2091, consent to search for his residence.

Upon our arrival at AP's residence, a key from AP's key chain was used to gain entry into the front door burglar bars. The residence was cleared of other persons. Upon clearing the residence for persons, E19 was located next to AP's bed (E19 SMITH AND WESSON .38 CAL REVOLVER SERIAL # CMJ0767). AP then took Detective Jacinto and myself to a shelf located in the front room. AP pointed out E9 (SMALL PLASTIC BAG CONTAINING SEVERAL SMALL BAGS OF COCAINE RECOVERED FROM THE FRONT ROOM ON SHELF APPX 14 GRAMS). AP then stated that this was all he had.

The K9 and handler arrived and started to search the residence. Officers seized:

- Approximately 1,700 grams of cocaine (gross weight);
- Approximately \$42,418.00;
- Approximately \$903.00;
- Several vehicles (containing small amounts of cocaine);
- Two digital scales; and
- A 357 magnum revolver sn# ZF396438 loaded with 6 rounds.

AP made admissions that he was the only person who stayed at the location, and admitted that all the evidence recovered was in fact his.


BRIAN WHITE,
Detective, SAPD

Sworn to in my presence on November 13, 2009


NANCY STEIN NOWAK
US MAGISTRATE JUDGE